

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DELIVERMED HOLDINGS, LLC, WILLIAM R.
DEETER ASSOCIATES, INC., and LINDA DEETER,

Plaintiffs,

v.

MICHAEL L SCHALTENBRAND, JOEY D.
SIDDLE and MEDICATE PHARMACY, INC.,

Defendants.

Case No. 10-cv-684-JPG-DGW

consolidated with

MARK A SWIFT,

Plaintiff,

v.

MICHAEL L SCHALTENBRAND, JOEY D.
SIDDLE and MEDICATE PHARMACY, INC.,

Defendants.

Case No 10-cv-685-JPG-DGW

**REQUEST TO THE REGISTER OF COPYRIGHTS
PURSUANT TO 17 U.S.C. § 411(b)(2)**

Defendants/counterclaimants Michael L Schaltenbrand, Joey D. Siddle and Medicate Pharmacy, Inc. have proven at trial that plaintiff/counterdefendant DeliverMed Holdings, LLC (“DeliverMed”), via its agent plaintiff/counterdefendant Mark A. Swift, knowingly submitted inaccurate information when it applied for a copyright: Registration No. VA 1-766-676 (“DeliverMed house and pestle logo,” filed April 1, 2011, registered April 9, 2011). For more background about this case, please see the enclosed:

- Findings of Fact and Conclusions of Law (Doc. 287) entered by this Court on October 15, 2012, particularly ¶¶ 43-59, 79 and 81, of the factual findings and § A.2 of the legal conclusions; and

- Final Judgment and decision entered by the United States Court of Appeals for the Seventh Circuit on October 7, 2013 (Doc. 328).

Pursuant to 17 U.S.C. § 411(b)(2), the Court requests the advice of the Register of Copyrights on the following question:

Would the Register of Copyrights have refused DeliverMed's Registration No. VA 1-766-676 for 2-D artwork ("DeliverMed house and pestle logo," filed April 1, 2011, registered April 9, 2011) if the Register of Copyrights had known that Swift, on behalf of DeliverMed, had intentionally misrepresented (1) that Linda Deeter was the author of the work and/or (2) that Deeter had transferred her copyright to DeliverMed by written agreement?

The Court requests a response by December 20, 2013. The Court further **DIRECTS** the Clerk of Court to send this Request and its enclosures to the Register of Copyrights in addition to counsel of record.

IT IS SO ORDERED.

DATED: November 4, 2013

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE